

ESKIL ANDERSON

IBLA 86-347

Decided January 23, 1987

Appeal from a decision of the Anchorage District Office, Bureau of Land Management, rejecting notice of location of mining claim AA-26222.

Reversed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment -- Mining Claims: Recordation

The Bureau of Land Management may not reject the filing of a notice of location that was filed before the lands upon which the mining claim was located were the subject of an interim conveyance.

APPEARANCES: Hollis H. Barnett, Esq., Puyallup, Washington, for appellant.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Eskil Anderson has appealed from the January 9, 1986, decision of the Anchorage District Office, Bureau of Land Management (BLM), rejecting the June 12, 1979 filing of a notice of location for the Goshen No. 11 mining claim on the grounds that the Department has no jurisdiction over the lands on which the claim is located because a patent was issued for them on October 31, 1979, to the Sealaska Native Corporation and title was confirmed by section 1410 of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, P. L. 96-487, 94 Stat. 2496.

Appellant's mining claim was located within protracted T. 76 S., R. 84 E., Copper River Meridian, Alaska, on June 7, 1964. In response to Sealaska Native Corporation's application AA-14015, interim conveyance was granted on August 17, 1979, and patent number PA 50-80-0005 was issued on October 31, 1979.

Although BLM may reject location notices for mining claims that are filed after the lands upon which the claims are located have been tentatively approved for conveyance to the State of Alaska, Ed Bilderback, 89 IBLA 263 (1985), Elizabeth J. Hjellen, 93 IBLA 203 (1986), William J. Smith, 94 IBLA 75 (1986), and may likewise do so for claims on lands whose interim conveyance has been confirmed by section 1410 of ANILCA, it may not do so where the filing of the notice precedes the tentative approval or interim conveyance, as in this case. Jennie A. Wasey, 92 IBLA 228 (1986). It may in the future, however, refuse to accept annual filings in furtherance of this claim, as the requirement to make annual filings terminated upon the transfer of title from the United States to Sealaska.

Therefore, in accordance with the authority delegated the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the January 9, 1986 decision of the Bureau of Land Management is reversed.

Will A. Irwin  
Administrative Judge

We concur:

James L. Burski  
Administrative Judge

Wm. Philip Horton  
Chief Administrative Judge

